

Senate Study Bill 1105

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
VETERANS AFFAIRS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring record checks for persons who are prospective or
2 current employees or volunteers for the Iowa veterans home.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1452DP 83
5 jp/nh/5

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1 1 Section 1. NEW SECTION. 35D.14A EMPLOYEE AND VOLUNTEER
1 2 RECORD CHECKS.
1 3 1. Persons who are potential employees, employees,
1 4 potential volunteers, or volunteers in the Iowa veterans home
1 5 in a position having direct contact with patients or residents
1 6 of the home shall be subject to criminal history and child and
1 7 dependent adult abuse record checks in accordance with this
1 8 section. The Iowa veterans home shall request that the
1 9 department of public safety perform the criminal history check
1 10 and the department of human services perform child and
1 11 dependent adult abuse record checks of the person in this
1 12 state and may request these checks in other states.
1 13 2. a. If it is determined that a person has been
1 14 convicted of a crime under a law of any state or has a record
1 15 of founded child or dependent adult abuse, the person shall
1 16 not be employed or participate as a volunteer in the Iowa
1 17 veterans home unless an evaluation has been performed by the
1 18 department of human services to determine whether the crime or
1 19 founded child or dependent adult abuse warrants prohibition of
1 20 the person's employment or participation as a volunteer in the
1 21 Iowa veterans home. The department of human services shall
1 22 perform such evaluation upon the request of the Iowa veterans
1 23 home.
1 24 b. In an evaluation, the department of human services
1 25 shall consider the nature and seriousness of the crime or
1 26 founded child or dependent adult abuse in relation to the
1 27 position sought or held, the time elapsed since the commission
1 28 of the crime or founded child or dependent adult abuse, the
1 29 circumstances under which the crime or founded child or
1 30 dependent adult abuse was committed, the degree of
1 31 rehabilitation, the likelihood that the person will commit the
1 32 crime or founded child or dependent adult abuse again, and the
1 33 number of crimes or founded child or dependent adult abuses
1 34 committed by the person involved.
1 35 c. If the department of human services performs an
2 1 evaluation for the purposes of this section, the department of
2 2 human services has final authority in determining whether
2 3 prohibition of the person's employment or participation as a
2 4 volunteer is warranted. The department of human services may
2 5 permit a person who is evaluated to be employed or to
2 6 participate as a volunteer if the person complies with the
2 7 department's conditions relating to employment or
2 8 participation as a volunteer which may include completion of
2 9 additional training.
2 10 Sec. 2. Section 235A.15, subsection 2, paragraph e, Code
2 11 2009, is amended by adding the following new subparagraph:
2 12 NEW SUBPARAGRAPH. (19) To the Iowa veterans home for
2 13 purposes of record checks of potential employees, employees,
2 14 potential volunteers, and volunteers in the Iowa veterans
2 15 home.
2 16 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code
2 17 2009, is amended by adding the following new subparagraph:
2 18 NEW SUBPARAGRAPH. (14) To the Iowa veterans home for
2 19 purposes of record checks of potential employees, employees,

2 20 potential volunteers, and volunteers in the Iowa veterans
2 21 home.

2 22 EXPLANATION

2 23 This bill requires criminal history and dependent adult and
2 24 child abuse record checks for persons who are prospective or
2 25 current employees or volunteers for the Iowa veterans home in
2 26 a position having direct contact with patients or residents of
2 27 the home.

2 28 The Iowa veterans home is required to request that the
2 29 department of public safety perform the criminal history check
2 30 and the department of human services perform child and
2 31 dependent adult abuse record checks of the person in this
2 32 state and may request these checks in other states.

2 33 If it is determined that a person has been convicted of a
2 34 crime under a law of any state or has a record of founded
2 35 child or dependent adult abuse, the person cannot be employed
3 1 or participate as a volunteer unless the department of human
3 2 services performs an evaluation to determine whether the crime
3 3 or founded child or dependent adult abuse warrants prohibition
3 4 of the person's employment or participation as a volunteer in
3 5 the Iowa veterans home. The department performs the
3 6 evaluation at the request of the Iowa veterans home.

3 7 The bill provides criteria for the department of human
3 8 services to use in performing the evaluation. The department
3 9 has final authority in determining whether prohibition of the
3 10 person's employment or participation as a volunteer is
3 11 warranted. The department may permit a person who is
3 12 evaluated to be employed or to participate as a volunteer if
3 13 the person complies with the department's conditions relating
3 14 to employment or participation as a volunteer which may
3 15 include completion of additional training.

3 16 Code section 235A.15, relating to access to child abuse
3 17 registry information, and Code section 235B.6, relating to
3 18 dependent adult abuse information, are amended to allow the
3 19 Iowa veterans home to have access to founded abuse information
3 20 for purposes of the record checks.

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